REMARKS

Claims 1-19 are currently pending in the subject application and are presently under consideration. A version of all pending claims is found at pages 2-5. Claims 1 and 19 have been amended herein to further emphasize novel aspects of applicants' claimed invention, and further, as recommended by the Examiner, previously withdrawn claims 20-37 have been cancelled. Entry of the amendments made to claims 1 and 19 is respectfully requested for at least the following reasons. It is applicants' representative's belief that such amendment furthers prosecution and/or places the subject application in better condition for appeal, and it is submitted that ADO.NET, the primary reference, did not in the Office Action dated February 28, 2005, and does not in the instant Final Office Action constitute an enabling reference, despite the recently proffered English translation, since the cited document does not enable one of ordinary skill in the art to produce applicants' claimed invention without undue experimentation. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I.   Rejection of Claims 20-37 Under 35 U.S.C. §101

Claims 20-37 stand rejected under 35 U.S.C. §101 as claiming the same invention as that of claims 1-18 of copending Application No. 11/005802. This rejection should be withdrawn for at least the following reasons. Claims 20-37 have been cancelled herein to comport with the Examiner's recommendation, thus it is now believed that this rejection is moot.

II.   Rejection of Claims 1-19 Under 35 U.S.C. §103(a)

Claims 1-19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over ADO.NET (English translation) and further in view of Omoigui (US 2003/0126136 A1). Withdrawal of this rejection is requested for at least the following reasons. ADO.NET and Omoigui, either individually or in combination, do not teach or suggest each and every aspect set forth in the subject claims.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) *must teach or suggest all the claim limitations. See* MPEP §706.02(j). The *teaching or suggestion to make the claimed combination* and the reasonable expectation of success *must be found in the prior art and not based on the Applicant's disclosure. See In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) (emphasis added).

The invention as claimed discloses a system and method for providing a streaming input and streaming output incremental XML transformer that can be employed in push and/or pull model processing. The XML transformer facilitates a user incrementally building output from XML data so that only a subset of an XML document needs to be loaded into memory to perform a selective transformation. Independent claims 1 and 19 recite similar limitations, namely: *the input XML item comprises a subset of a XML document.* Neither the primary nor the secondary documents, either alone or in combination, teach or suggest this novel feature of applicants' claimed invention.

ADO.NET discloses an XMLReader and a component that ostensibly supplies XML, XSL, XSL/T, and X-Path tools that the XMLReader seemingly utilizes to provide an XMLDataDocument. The subject invention in contrast provides a transforming component that transforms XML items received in a first format into transformed XML items in a second format wherein the XML items received comprise a subset of an entire XML document. Nowhere in the disclosure provided by ADO.NET is it taught or suggested that the XML items received comprise merely a subset of an XML document in its entirety. Thus, it is believed that the cited document and the invention as claimed are distinguishable with regard to this particular distinction.

In addition, it is noted that in the Reply to Office Action dated February 28, 2005, it was stated that ADO.NET (the original Slovenian article) did not provide a comprehensible description of its activities sufficient to enable one of ordinary skill in the

- 6 -

art to effectuate the disclosure therein without undue experimentation to produce the claimed invention. It is still applicants' representative's contention, despite the newly proffered English translation of ADO.NET, that the cited document does not provide an enabling reference for the purported teachings asserted by the Examiner.

Moreover, the secondary document, Omoigui, does not cure the aforementioned deficiency with respect to ADO.NET. Omoigui discloses an integrated implementation framework and resulting medium for knowledge retrieval, management, delivery and presentation. However, like the primary document, Omoigui is silent with regard to a transforming component that receives XML items in a first format and transforms the received XML items into one or more transformed XML items in a second format, wherein the input XML items comprise a subset of one or more entire XML documents. Thus, it is submitted that neither ADO.NET nor Omoigui, either alone or in combination, teach or suggest applicants' claimed invention. Accordingly, withdrawal of this rejection is respectfully requested.

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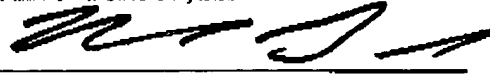
CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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-8-